

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 6, 2003

RESPONSIBLE STAFF:

Mark DePoe, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/09/2002
	10/04/2002
	10/11/2002
	10/16/2002
Hearing Date	10/21/2002
Record Held Open	11/22/2002
Policy Discussion	12/02/2002

TITLE: SDP-01-008

Resolution Approving SDP-01-008, Schematic Development Plan for Washingtonian Waterfront.

SUPPORTING BACKGROUND:

The applicant, Washingtonian Lake, LLC., has submitted a Schematic Development Plan (SDP) application SDP-01-008. The application requests approval of a Schematic Development Plan (SDP), known as Washingtonian Center – Waterfront (Rio Retail), in Gaithersburg, Maryland. The plan includes 87,815 square feet of office and 18,080 square feet of first floor retail on approximately 5.3 acres (or 230,800 square feet) of land. The 5.3-acre site is adjacent to and north of Washingtonian Boulevard and south of Interstate 270 in the Washingtonian development in the Mixed Use Development (MXD) Zone.

In 1991, the Washingtonian tract was annexed into the City (Annexation X-159) and zoned MXD. The 1997 Master Plan, Neighborhood Three, designates the site as Parcel I, Block C for commercial/industrial-research-office use. The site is located between the existing Washingtonian Retail Center (SDP-W2 and W-1106) and the existing Rio Entertainment complex. This site will link the existing retail-commercial-entertainment-office uses and allow for the continuation of pedestrian circulation and activity. Uses that are encouraged for this site are retail, hotels, restaurants and office development.

The Mayor and Council and Planning Commission held a joint public hearing on October 21, 2002. The main issues discussed were pedestrian circulation, continuity with surrounding development, and parking. The Planning Commission closed their record as of October 30, 2002 and at their November 6, 2002 meeting forwarded their recommendation of approval to the Mayor and City Council for SDP-01-008. The Mayor and Council closed their record as of November 22, 2002. On December 2, 2002, the Mayor and Council reviewed the proposal and the Planning Commission and City Staff recommendations. The Mayor and City Council revised condition three to require a shared parking agreement only and directed Staff to prepare a resolution approving the SDP.

Attached:

Exhibit 1: Resolution Approving SDP-01-008

DESIRED OUTCOME:

Approve SDP-01-008 Resolution of Approval.

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG
GRANTING APPROVAL FOR SCHEMATIC DEVELOPMENT PLAN
SDP-01-008, FOR WASHINGTONIAN CENTER PARCEL I, BLOCK C,
KNOWN AS WASHINGTONIAN WATERFRONT, ZONED
MIXED USE DEVELOPMENT (MXD). APPROVAL OF THIS
SCHEMATIC DEVELOPMENT PLAN PERMITS CONSTRUCTION
OF A FIVE STORY 105,895 SQUARE FEET OFFICE THAT INCLUDES
18,080 SQUARE FEET OF FIRST FLOOR RETAIL

SDP-01-008

OPINION

This matter has come before the Mayor and City Council for approval of a schematic development plan (SDP) for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the City Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures, and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 5.3 acres (or 230,800 square feet) of land and concerns the development of Washingtonian Waterfront. The SDP application was submitted to the City Planning and Code Administration, and City Planning Commission on July 16, 2002. This application was designated as SDP-01-008 and presently requests approval for the development of five-story building that includes 87,815 square feet of office use and 18,080 square feet of first floor retail use, known as Washingtonian Waterfront, in the Washingtonian development in Gaithersburg, Maryland.

OPERATIVE FACTS

A. Background

The 5.3 acres parcel includes the Washingtonian Waterfront (SDP-01-008) and the Washingtonian Center – Rio Retail (SDP-01-003) and is part of the Washingtonian Development site consisting of 102.5711 acres of land annexed into the City of Gaithersburg on July 9, 1991. The Washingtonian Development had received an approval from Montgomery County by Resolution Number 10-1592 adopted November 5, 1985, approving Zoning Application Number G-439 setting forth the right to develop 4,525,000 square feet of space in conformance with a sketch plan approved as part of that application. The annexation agreement between the City of Gaithersburg, and the proposed development owner states that the schematic development plan (SDP) process is complete as set forth by the agreement unless subsequent amendments are requested by the proposed development owner, or any party on its behalf.

B. Current Application



On July 16, 2002, the applicant, Washingtonian Associates, LLC., submitted a Schematic Development Plan (SDP) application SDP-01-008. The application requests approval for the development of five-story building that includes 87,815 square feet of office use and 18,080 square feet of first floor retail use, known as Washingtonian Waterfront, in the Washingtonian development in Gaithersburg, Maryland on 5.3 acres (or 230,800 square feet) of land. The 5.3 acre parcel ("Proposed development") is adjacent to and north of Washingtonian Boulevard and adjacent to and south of the existing Washingtonian SWM Pond and south of Interstate 270 in the Mixed Use Development (MXD) Zone.

In 1991, the Washingtonian tract was annexed into the City (Annexation X-159) and zoned MXD. The 1997 Master Plan, Neighborhood Three, designates the site as Parcel I, Block C for commercial/industrial-research-office use. The site is located between the existing Washingtonian Retail Center (SDP-W2 and W-1106) and the existing Rio complex. This site will link the existing retail-commercial-office uses and allow for the continuation of pedestrian and entertainment activity. Uses that are encouraged for this site are retail, hotels, restaurants and office development.

A joint public hearing was held on October 21, 2002 by the Mayor and City Council and the Planning Commission, at which time evidence was received on the subject application. At that hearing, staff provided the SDP application, the proposed schematic development plan and building elevations, and the legal advertisement. Robert Burton and Jeff Parana, from the Peterson Companies, Jeff Fuller and Matt Hopkins, from DNC Architects, all representing Washingtonian Associates, LLC., presented the proposed schematic development plan, building elevations, parking and connectivity to the surrounding commercial development. During the public hearing, concerns were raised regarding pedestrian connections, continuity with surrounding development, parking, access and amenities.

The Planning Commission closed their record on the SDP-01-008 application as of October 30, 2002. On November 6, 2002 the Planning Commission reviewed the SDP-01-008 application for recommendation to the Mayor and City Council. Staff presented the SDP to the Planning Commission with the proposed solutions to the concerns raised during the public hearing.

The proposed development is to be constructed over an existing parking lot. Due to the initial displacement of the existing parking area and the need for immediate parking for the proposed uses, the construction of the SDP-01-003 parking structure will be the first stage of development for the 5.3 acres site which includes both the SDP-01-003 and SDP-01-008 applications. Also, a shuttle service is proposed throughout the Washingtonian retail development during the construction of the parking garage. The shuttle service will allow visitors to park throughout the existing Washingtonian retail area and have access to all uses.

The proposed development does have access to the surrounding uses by way of the existing boardwalk along the SWM pond and the existing pedestrian bridge. The boardwalk and pedestrian bridge connects the proposed development to the existing Washingtonian commercial development to the west and the boardwalk and internal sidewalks will connect the proposed development to the existing Rio commercial development to the east. Also, the boardwalk connects with an existing pedestrian path system that links the existing parking areas, offices and hotels further east within the Washingtonian development. Pedestrian and parking signage is proposed from the adjacent parking areas, hotels and office to the east to clearly direct visitors to the proposed development and around the Washingtonian development.

The SDP proposes to construct a pedestrian crosswalk over Washingtonian Boulevard and connecting sidewalks in the vicinity of the Athletic Way turn-around. This will allow for an additional pedestrian crosswalk to connect the Washingtonian Development to the north and the residential communities to the south of Washingtonian Boulevard.

On November 6, 2002 the Planning Commission recommended approval to the Mayor and City Council subject to the ten (10) conditions as presented by Staff, as amended. The Planning Commission and City Staff were in favor of the proposal in that the proposed SDP is in accordance with the intent of the 1997 Master Plan, Neighborhood Three, which designates this area for commercial/industrial-research-office use. Also, the Planning Commission and Staff found that the issues from the joint public hearing were adequately addressed and that this application is in conformance with the MXD, Mixed Use Development and complies with §24-160D.11, Procedures for Amendment, and §24-198(c) of the City's zoning regulations.

The Mayor and City Council closed their record as of November 22, 2002. On December 2, 2001, the Mayor and Council held a policy discussion to review the proposal and the Planning Commission and City Staff recommendations and directed Staff to prepare a resolution approving the SDP with the ten (10) conditions recommended by the Planning Commission and Staff, as amended.

C. Evaluation and Findings

In reviewing the subject application for approval of SDP-01-008, the City Council finds the proposal to be substantially in accordance with all of the requirements of the Mixed Use Development (MXD) Zone that are set forth in Chapter 24 Article III Division 19 of the City Zoning Ordinance. The City Council also finds the subject application in accordance with the Neighborhood Three Master Plan, and the principles established for development in the City's Smart Growth Policy element of the Master Plan. The City Council agrees with the findings, conclusions and recommendations of approval by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action.

It is, further, the City Council's finding that SDP-01-003, Washingtonian Waterfront, as proposed in its current form which includes 87,815 square feet of office use and 18,080 square feet of first floor retail use is compatible and harmonious with existing and planned uses in the subject site and adjacent areas, in terms of the nature and intensity of uses, their location and interrelationship with community features of the subject site and adjacent areas. The subject SDP is harmoniously integrated in an orderly fashion into the overall comprehensive planning and development envisioned for this area. The City Council believes that the overall density, uses and siting of the building and amenities provide a compatible form of development.

The City Council further finds that the level of development reflected by this SDP can be accommodated adequately by existing and planned public facilities. There is no evidence to indicate that public water, sewer, and school facilities could not adequately handle the needs of this development. Transportation related improvements called for in the annexation agreement (X-159) have been implemented.

The City Council further finds that parking will be adequately addressed and available in the adjacent parking structure per the approved Schematic Development Plan SDP-01-003. The proposed development is part of the entire Washingtonian Development which is unique in design and that the entire facility, when taken as a whole, is adequately parked. Due to the unique design and unique shared parking facilities and operations of the Washingtonian

Development that a parking waiver, if necessary, would be appropriate to bring the Washingtonian Waterfront in it's entirety into compliance with the City Code.

In conclusion, the City Council finds SDP-01-008, as submitted in accordance with Section 24-160D.9 and hereunto conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject SDP has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the Neighborhood Three Land Use Plan, the Smart Growth Policy element of the Master Plan, as well as generally accepted city planning and land use policies, subject to the applicant complying with the conditions stated in this Resolution.

SCHEMATIC DEVELOPMENT PLAN (SDP-01-008)

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the City Council of Gaithersburg, that SDP-01-008, being an application filed by Washingtonian Associates, LC., requesting approval for Washingtonian Waterfront, that consists of the above includes 87,815 square feet of office use and 18,080 square feet of first floor retail use, is hereby approved with the following conditions:

1. Applicant must provide a phasing schedule of the development that includes and states the parking structure will be the first stage of development for the 5.3-acre site;
2. On/off-site surface parking spaces, other than the 39 spaces between the office building and Washingtonian Boulevard that are dedicated to the office building, shall be for retail use only. The applicant is to work with staff to determine the appropriate signage and time limits for the surface parking;
3. Applicant must provide a shared parking agreement to be reviewed and approved by the City Attorney and Staff and recorded;
4. Architecture, streetscaping, and signage must be consistent with the existing architecture, streetscaping and signage within the Washingtonian development, to be reviewed and approved by the Planning Commission at the final site plan stage;
5. Applicant is to work with the City DPWPM&E on the improvement and design of the left-turn lane from Washingtonian Boulevard into the site and provide all needed improvements, if necessary;
6. DPWPM&E must approve the conceptual storm water management for the site;
7. Applicant must provide a shuttle service throughout the Washingtonian retail development during the construction of the parking garage. Details of the service are to be finalized and

approved by the Planning Commission and staff during the final site plan stage;

8. The required shuttle service, pedestrian and parking signage, and tot lot as described and required with SDP-01-003 and SP-01-015 approvals are to be approved, completed, and operational prior to building permits for the office building. The seasonal shelter as described and required with SDP-01-003 and SP-01-015 approvals is to be approved and completed prior to use and occupancy permits for the office building. The two pocket parks are to come in at the time of the restaurants;
9. Applicant must provide a crosswalk and connecting sidewalks across Washingtonian Boulevard in the vicinity of the existing Bechtel office building and Athletic Way. Applicant is to work with staff, the residents and County on the crosswalk location during site plan; and
10. Applicant must provide a public improvement contribution to be used for the restoration of Washingtonian Boulevard fronting the 5.3-acre site. Applicant is to work with DPWPM&E to determine the amount of contribution for the improvements.

ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 6th day of January, 2003.

Sidney A. Katz, Mayor
City of Gaithersburg

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 6th day of January, 2003.

David B. Humpton, City Manager